

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

CLINT D. STEWTS,

Plaintiff,

v.

WELLS FARGO BANK, N.A.,

Defendant.

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Civil Action No. 3:13-cv-00005

**PLAINTIFF’S RESPONSE TO DEFENDANT’S
MOTION TO SEAL**

NOW COMES Plaintiff Clint D. Stewts (“Stewts” or “Plaintiff”) and files Plaintiff’s Response to Defendant Wells Fargo Bank, N.A.’s (“Wells”) Motion for Protective Order.

1. “The public has a common law right to inspect and copy judicial records.” *SEC v. Van Waeyenberghe*, 990 F.2d 845, 848 (5th Cir. 1993).

The burden is on the party seeking to seal court documents to establish that the presumption of public records should be overcome. *See, e.g., Torres-Montalvo v. Keith*, 2011 U.S. Dist. LEXIS 124979, 2011 WL 5023271, at *1 (S.D. Tex. Oct. 17, 2011) (citing *LEAP Sys., Inc. v. MoneyTrax, Inc.*, 638 F.3d 216, 221-22 (3d Cir. 2011); *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006); *Va. Dep’t of State Police v. Wash. Post*, 386 F.3d 567, 575 (4th Cir. 2004)).

Bankhead v. Gregg County, 2013 U.S. Dist. LEXIS 3001 (E.D. Tex. Jan. 9, 2013) (**emphasis added**).

2. Merely stating that a party seeks to file under seal pursuant to the Federal Rules is insufficient to overcome the presumption of open records. *Id.* Here, Defendant merely states that it seeks to file under seal. Defendant provides no analysis to overcome the presumption of open records.

3. Instead, Defendant simply claims that the fee invoices used as exhibits to its Motion for Attorneys Fees contain attorney work product, information subject to the attorney-client privilege, and information potentially subject to other unstated privileges.

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that the Court DENY Defendant's Motion to Seal.

MIDDAGH & LANE, P.L.L.C

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